

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHERYL COMPTON, et al.,)	
)	
Plaintiffs,)	
)	No. 4:11-CV-01975 CEJ
v.)	
)	
ST. LOUIS METROPOLITAN POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

**DEFENDANT CITY OF ST. LOUIS'
MOTION FOR SANCTIONS AGAINST PLAINTIFFS FOR FAILURE TO OBEY
A COURT ORDER PERTAINING TO DISCOVERY**

COMES NOW Defendant City of St. Louis, Missouri ("City"), by and through undersigned counsel, and pursuant to Rule 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure moves the Court to enter an Order dismissing Plaintiffs' action for failure to comply with the Court's August 28, 2012 Order [Doc. #60] pertaining to outstanding discovery. In support of this Motion the City states the following:

1. Pursuant to Rule 33, the City propounded interrogatories to Plaintiffs on June 29, 2012. Copies of same were sent to all attorneys of record in this matter.
2. When no responses were made to said interrogatories, and after unsuccessful attempts to resolve the dispute with Plaintiffs' counsel, undersigned counsel filed a Motion to Compel on August 14, 2012.
3. Said Motion was granted by the Court on August 28, 2012, directing Plaintiffs to respond to the City's interrogatories by September 7, 2012, and stating that failure to comply with this Order may result in the imposition of sanction as authorized by Rule 37(b), including dismissal of the action.

4. As of the date of this filing, the City has not received responses to its interrogatories.

5. The City has been prejudiced by Plaintiffs' refusal to respond to its interrogatories.

6. In light of the previously entered Order compelling Plaintiffs to answer Interrogatories by September 7, 2012, the City submits that the appropriate sanction is dismissal of the action, and an award of the City's costs and reasonable attorneys' fees.

WHEREFORE, the City prays an Order from the Court dismissing the above cause of action with prejudice for failure to comply with a Court Order pertaining to discovery, and for its taxable court costs and reasonable attorneys' fees expended herein.

Respectfully submitted,
PATRICIA A. HAGEMAN
CITY COUNSELOR

/s/ Daniel J. Emerson
Michael A. Garvin #39817 MO
Deputy City Counselor
Daniel J. Emerson #56808 MO
Associate City Counselor
Attorneys for Defendant City of St. Louis
Room 314, City Hall
St. Louis, MO 63103
314.622.3361
FAX: 314.622.4956
GarvinM@stlouis-mo.gov
EmersonD@stlouis-mo.gov

Certificate of Service

I hereby certify that on September 10, 2012, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

Joseph P. Welch
1708 Olive Street
Saint Louis, MO 63103

Maggie Ellinger-Locke
797 West Terra Lane
O'Fallon, MO 63366

Cynthia West
625 N. Euclid Ave., Suite 534
Saint Louis, MO 63108
Attorneys for Plaintiffs

Timothy Hogan
P.O. Box 31334
Saint Louis, MO 63131
Attorney for Plaintiffs
Veltre and McFarland

Mark Lawson
Jennifer R. Chestnut-Strada
1200 Clark, Room 609
Saint Louis, MO 63103
Attorneys for Defendant St. Louis Metropolitan Police Department

/s/ Daniel J. Emerson